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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 KEITH E BERRY,

11 Plaintiff,

12 v.

13 KAREN CAMPBELL,

14 Defendant.

CASE NO. C11-5797-BHS-JRC

REPORT AND RECOMMENDATION
TO DENY IN FORMA PAUPERIS
STATUS

NOTED FOR:
DECEMBER 9, 2011

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16 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned
17 Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate
18 Judge Rules MJR 1, MJR 3, and MJR 4. The Clerk's Office sent plaintiff a deficiency
19 letter on September 29, 2011 (ECF No. 3). Plaintiff was informed that he needed to
20 provide service copies of his complaint, an authorization/ acknowledgment form, and an
21 updated statement for his prison trust account.

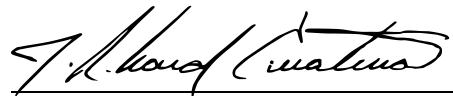
22 Plaintiff has not provided the updated prison trust account statement. The district
23 court may permit indigent litigants to proceed in forma pauperis upon completion of a
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1 proper affidavit of indigence. See 28 U.S.C. § 1915(a). However, the court has broad
2 discretion in denying an application to proceed in forma pauperis. Weller v. Dickson,
3 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Without a current
4 trust account statement, the Court does not have a proper application.

5 Plaintiff was informed the Court needed an updated prison account statement and
6 he has not provided that information. The Court therefore recommends the application to
7 proceed in forma pauperis be DENIED. Plaintiff should be given thirty days to pay the
8 full filing fee or this action should be dismissed without further court orders.

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10 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
11 fourteen (14) days from service of this Report to file written objections. See also Fed. R.
12 Civ. P. 6. Failure to file objections will result in a waiver of de novo review by the
13 District Court Judge. See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit
14 imposed by Rule 72(b), the clerk is directed to set the matter for consideration on
15 December 9, 2011, as noted in the caption.

16 Dated this 7th day of November, 2011.

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19 J. Richard Creatura
United States Magistrate Judge
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